

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/396,539	09/15/99	PALESE	P 6923-092-999

PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

0242/1013

NOT ASSIGNED

1642

DATE MAILED:

10/13/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 130.00.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$_____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

- \$_____ for _____ total claims over 20.
\$_____ for _____ independent claims over 3.
\$_____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

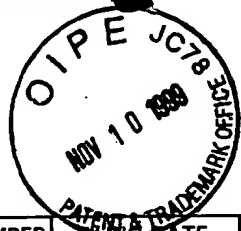
m. madden

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Initial Patent Examination Division (703) 308-1202

11/16/1999 REAHLE 00000006 161150 09396539
01 CC:105 130.00 CH

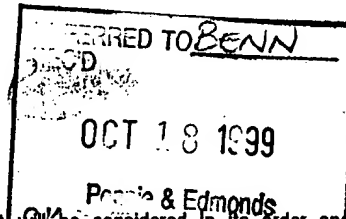
FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/396,539 ✓	09/15/99 09/14/99	1642 ✓	\$1,168.00	6923-092-999 7682-048-999	26	34 1	5 1

PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711



Disclosed 12/4/99
G

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) PETER PALESE, LEONIA, NJ; ADOLFO GARCIA-SASTRE,
NEW YORK, NY. ✓

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 10/07/99

TITLE

RECOMBINANT NEGATIVE STRAND RNA VIRUS EXPRESSION SYSTEMS AND VACCINES ✓

PRELIMINARY CLASS: 424

DATA ENTRY BY: MIDDLETON, MATTIE TEAM: 04 DATE: 10/07/99

(See reverse for new important information)



EXPRESS MAIL NO.: EM 061 022 755 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Palese and Garcia-Sastre

Serial No.: 09/396,539

Group Art Unit: 1642

Filed: September 14, 1999

Examiner: Not Yet Assigned

For: RECOMBINANT NEGATIVE
STRAND RNA VIRUS
EXPRESSION SYSTEMS AND
VACCINES

Attorney Docket No.: 7682-048

TRANSMITTAL IN RESPONSE TO NOTICE
TO FILE MISSING PARTS OF APPLICATION

Assistant Commissioner for Patents
Box Missing Parts
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application under 37 C.F.R. §1.53(d) dated October 13, 1999 in connection with the above-identified application, Applicants submit herewith copies of the following documents: (1) Declaration and Power of Attorney executed by the inventors and (2) a copy of the Notice to File Missing Parts.

The above-identified application is a division of application Serial No. 09/106,377, which is a division of application Serial No. 08/252,508, thus applicants submit herewith the declaration and power of attorney executed and filed in the parent application.

It is estimated that a fee of \$130.00 is required for filing the Declaration and Power of Attorney. Please

charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date November 10, 1999

by: *Jaqueline Benn*
Reg No 43,492
Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosure



POST OFFICE
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	Date In Mo 9 14 99	<input checked="" type="checkbox"/> Morning <input type="checkbox"/> 3 PM	Postage \$ 5.70
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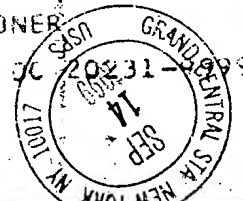
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PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
FL 17
NEW YORK NY 10036-2711

TO: (PLEASE PRINT)

PHONE

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FOR PATENTS
WASHINGTON



FOR PICKUP OR TRACKING CALL 1-800-222-8711



EXPRESS MAIL NO.: EM 061 022 755 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: PALESE et al.

Serial No.: 09/396,539

Group Art Unit: 1642

Filed: September 14, 1999

Examiner: Not Yet Assigned

For: RECOMBINANT NEGATIVE
STRAND RNA VIRUS EXPRESSION
SYSTEMS AND VACCINES

Attorney Docket No.: 7682-048

REQUEST FOR CORRECTION OF FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed please find the original and one copy of the filing receipt for the above-identified U.S. application.

Please note the error where highlighted on the copy. Applicants filed the above-identified application by Express Mail on September 14, 1999. However, the filing receipt was issued with an incorrect filing date of September 15, 1999. Applicants respectfully request that the Patent and Trademark Office ("PTO") correct its records and issue a corrected filing receipt with the correct filing date of September 14, 1999.

Enclosed herewith as Exhibit A is a copy of the Express Mail Label with the September 14, 1999 date, and a copy of the Application Cover Sheet dated September 14, 1999, indicating the Express Mail number used for mailing to the USPTO. These documents demonstrate that the correct filing date of the instant application is September 14, 1999.

Please note the additional errors in the Attorney Docket No. and the number of total and individuals claims. The correct Attorney Docket no. is 7682-048-999, however the filing receipt incorrectly indicates the Attorney Docket No. is 6923-092-999. The correct number of total and individual claims is 1, the filing receipt incorrectly indicates that the total number of claims is 34 and the number of individual claims is 5. The copy of the Application Cover Sheet enclosed herein reflects this correct information.

It is estimated that no fee is required for correction of the filing receipt. However, should the Patent Office determine otherwise, please charge the necessary fee to Pennie & Edmonds LLP deposit account no. 16-1150. A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: November 10, 1999

by: *Jaqueline Benn*
Laura A. Coruzzi Reg No. 43,492
30,742
Laura A. Coruzzi (Reg. No.)
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner T. McKelveyArt Unit 1636

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/106,377 filed on June 29, 1998.

of Peter Palese and Adolfo Garcia-Sastre

(inventor(s) currently of record in prior application)

for RECOMBINANT NEGATIVE STRAND RNA VIRUS EXPRESSION SYSTEMS AND VACCINES

(title of invention)

1. ☒ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	1	-20	0	\$18.00 each	\$ 0.00
Independent	0	-3	0	\$78.00 each	\$ 0.00
Basic Fee					\$ 760.00
Multiple Dependency Fee If Applicable (\$260.00)					\$ 0.00
Total					\$ 760.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 0.00
Total Filing Fee					\$ 760.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

3. ☒ Amend the specification by inserting before the first line the following sentence: This is a continuation, division, of application no. 09/106,377, filed June 29, 1998 incorporated herein by reference in its entirety

- 4a. ☒ Cancel in this application original Claim 2-34 of the prior application without prejudice. Claim 1 is still pending.

- 4b. ☐ New formal drawings are enclosed.
- 4c. ☒ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
- 6. ☐ The prior application is assigned of record to .
- 7a. ☒ The Power of Attorney appears in the original papers in the prior application no. 08/252,508, filed June 1, 1994.
- 7b. ☐ Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.
- 8. ☒ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no. 08/252,508, filed on January 3, 1997 be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. 08/252,508 is enclosed.
- 9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
- 10. ☐ Additional enclosures or instructions.

Respectfully submitted, by: *Jacqueline Benn*
Reg. No. 43,492

Date September 14, 1999

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)
PENNIE & EDMONDS LLP
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